

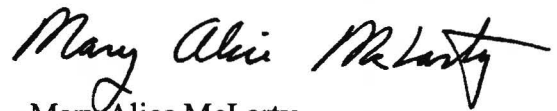
**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C 20554**

In the Matter of

Facilitating the Deployment of Next
Generation 911; Text-to-911; and Next
Generation 911 Applications

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) PS Docket No. 11-153
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) PS Docket No. 10-255
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Comments of the American Association for Justice



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I. Introduction

The American Association for Justice (AAJ), formerly the Association of Trial Lawyers of America (ATLA), hereby submits a response to the Federal Communication Commission's ("FCC") Proposed Rule on Next Generation 911. *See* 78 Fed. Reg. 1799.

AAJ, with members in the United States, Canada and abroad, is the world's largest trial bar. It was established in 1946 to safeguard victims' rights, strengthen the civil justice system, and protect access to the courts. AAJ is limiting our comments to the issue of liability and Next Generation 911 ("NG911"). More specifically, AAJ is responding to the comments of several stakeholders arguing that increased liability protections are necessary for NG911. Not only is additional liability protection for non-traditional 911 providers unnecessary, the FCC does not have the authority to extend the liability protections created by the states and extended to next generation technology by Congress.

II. Discussion of Liability Issues and Non-Traditional 911

The FCC has requested comment on whether providers of text-to-911 service have sufficient liability protection under the current law to provide text-to-911 services to their customers, and whether additional protection may still be needed or desirable. Several commenters have suggested that they want additional liability protections beyond the scope of what is already provided for and have requested a uniform federal standard for liability protection for all 911 providers. As the FCC rightfully noted, liability protection for provision of 911 service is typically governed by state law. Recently, Congress passed laws that provided parity in liability protection for new and emerging technologies such as wireless and IP-enabled voice service. Even more recently, Congress extended this parity to providers or users of Next-Generation 911 services. Essentially, Congress stated that non-traditional 911 providers must be treated the same, in terms of liability, as traditional 911 providers under state laws.

While service providers may have requested additional liability protections beyond the scope of the Next Generation 9-1-1 Advancement Act of 2012, it is not within the purview of the FCC to grant additional protections. Tort law has always been determined at the state level. The FCC does not have the authority to expand liability protections; as that power resides with each individual state. Moreover, most service providers who commented on this issue suggested that a national standard for liability protection for 911 providers is necessary. Without commenting on the necessity or the viability of a national standard of liability protection for 911 providers, Congress would have to enact it, not the FCC. Lastly, it has not been established that additional liability protections are even necessary. As the FCC also noted, four major wireless carriers have already agreed to deploy text-to-911 capability nationwide without additional liability protections. If additional liability protections were absolutely necessary, these wireless carriers would have never agreed to move forward without them. Further, many states already offer comprehensive liability protections to 911 providers. The FCC should not and does not have the authority to extend liability protections beyond what was already provided for by Congress.